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The Right of Freedom

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THE HEROES OF OUR TIME...

BELARUSIAN PRESIDENT "LOST THE YOUTH"

Soon after the events, called later "Spring-1996", in the Belarusian press there appeared statements like "The President has lost the youth...". It was remarkable, that it was rather the officials of the President's administration together with the higher army and militia officials, who were telling about it, not the opposition actors. Indeed, the young men and girls, who went to school at the beginning of "Perestroika" and had not been exposed to the treatment of the communistic ideology, took the most active part in "the spring of 1996". It became the start of the President's "struggle for the youth", the results of which we can observe today. That is why the trial of Vadzim Labkovich and Alyaksey Shydlousky should be viewed also as one of the most prominent moments of this struggle.

At first, the President tried to trap the youth as his upholders with a "carrot". Uladzimir Zamyatalin and Usevalad Yancheusky proposed to revive "a powerful youth organization" in Belarus, like the Komsomol League before. From its first steps, the new Belarusian Patriotic Students' Union was under the social welfare of the President himself. By the way, the words 'a patriot' and 'patriotism' acquired in this case a new meaning: patriotism was understood as faith and devotion specifically to the President instead of to the Motherland... "The President's patriots", nicknamed by people as "lukomolists", occupied an advantageous position in the youth environment. The BPSU leaders got cars, modern-furnitured offices, pagers, cellular phones, the power to manipulate the intake committees at colleges, etc. The long and the short of it, they got everything but... the popularity among the youth. Laughter has been and remains the only reaction of the youth on the triviality and littleness of the idea put in the base of the movement (the faith to "the Father"). Ideologically unengaged young people are able to orient themselves and choose what they want, according to their liking, education, wishes... Thank God, we still have an opportunity to watch not only the pro-presidential TV, read not only "Father's" newspapers and books. It is the reason why everything, forwarded by the President with his "Lukomol" League, turns out in negation. The youth associates its tomorrow with democracy and not with dictatorship and total tyranny of the "All Slavs Leader".

(please see page 8)

CHRONICLE

In January, after the first number of the newspaper of the Society of the Belarusian Language "Nasha Slova" was issued, the Lida Printing house refused to print the next number at the directive of the local brass. It was caused by the article "Even our enemies promoted the Belarusian language", written by A.Salamonau, Professor and Doctor in technical sciences.

On 6 January, Lyudmila Graznova and Genadz Karpenka, Deputies of the 13th Belarusian Parliament, were tried in the Minsk Central District Court for taking part in the meeting on 23 November 1997. The judge A.Barysionak issued a warning to these two Deputies.

In February, B.Khaimada and Y.Maroz, members of the Vitsebsk Region BPF Rada, picketed for the next time. The picket was ceased by militia, and a report was drawn up. The trial took place in the Zheleznadarozhny District Court in Vitsebsk. The judge S.Tufan fined Y.Maroz 37 million roubles and acquitted B.Khaimada.

In February, the members of the special Commission on President Lukashenka's breaches of the Constitution of the Republic of Belarus, made a statement that A.Klimau, one of its members, was arrested on political reasons.

(please see page 6)

This issue of the bulletin "The Right of Freedom" is almost fully dedicated to one topic: the trial of the political prisoners Vadzim Labkovich and Alyaksey Shydlousky.

Control Demonstrates Its Atrocity

Alyaksey Shydlousky, 19, has been sentenced to a year and a half in a high-security colony. The sentence of Vadzim Labkovich, 16, is the same, but with a two-year respite... The correspondent for "The Right of Freedom" tells about the proceeding.

Half-year behind bars

On 18-19 and 23-24 February the case of the "Young Front" members Vadzim Labkovich and Alyaksey Shydlousky was on trial at Minsk Region Court. Both of them had spent six months behind bars. The outcome ofthis case was loo-ked forward not only as the destiny deter-mination for the 16-year-old schoolboy and 19-year-old student. The insistence, with which the authorities began per-secuting "graffiti" a month after Shara-met's group was arrested and the day be-fore the Press Law was changed, defined a new trend. The authorities switched over from opposition politicians and journalists to the fight against the Belarusian youth. It is the youth that seem to be the main foe for the authorities and need to be "put in its place". The show trial, that have taken place in Minsk, the persecution of public representatives during this so-called "open" court and the cruelty of the sentence prove that.

For the first days of the legal investigation there was a hope to get a conditional sentence or to have the time spent in pre-trial custody included in the general term sentenced, like it was in the case with the poet Slavamir Adamovich. But on 23 February the moods of the officials changed...

"Do not worry, we will lock all of you..."

On 18 February, it was impossible to get to the entrance of the court-room, reserved for the hearing of the "Young Front" members' case. Thrice as many press and public representatives came as the hall could admit. The office workers said, there was a 80-seats' hall, but the judge did not want to move the proceeding there because of some inconveniences for the convoy (the absence of a lattice round the dock). Meanwhile, the "guards of order" were complaining to their brass on phone, "What should we do? There are crowds of BPF members..."

The smiling judge Laurou answered the youth's questions about the possibility to get into the court-room with a fatherly promise, "Do not worry, we will lock all of you..." The ambiguity of these words gradually coloured black. The prosecutor Tsimafeeu, while making his way through the crowd of young men, girls and old women, shouted something about sending those present to Militia and "drawing-up records" on them.

Due to those reasons, the trial began at 11.30 instead of 10 a.m.

First sentence

One more touch to the situation around this proceeding. At about 9.50 a.m. Yuri Maroz, a 31-year-old BPF activist from Vitsebsk, was detained by militiamen for standing at the court entrance with a placard "The felonious regime of Belarusophobia is trying today the Belarusians for their patriotism". He demanded to release Alyaksey Shydlousky, Vadzim Labkovich together with Vadzim Kabanchuk, an arrested in the last October member of "Young Front", who was waiting for the investigation results on "Valadarka". That very day Y.Maroz was sentenced to 15 days in custody. The judge Tserashkova, the Minsk Leninsky District Court, referred to art.167 of the new Administrative Code (which has practically replaced notorious Decree №5). The fact, that Y.Maroz was a disabled of the III group and had been hurt a while before by unknown offenders, did not affect Tserashova's decision. But the facts on his previous participation in political actions did play a great role...

Double-box

Alyaksey Shydlousky and Vadzim Labkovich were brought to the proceeding under intensified escort (as for the symbols on their uniforms, besides 'ordinary' militiamen and AMAP, there were representatives of internal security units and special services). The young men's handcuffs were taken off only in the box. The escort had a war-dog with them.

Three charges were sued: art. 186^2 of the RB Criminal Code (desecration of state symbols), art.201 p.2 (malignant disorderly conduct) and art.225 (destruction of state-guarded cultural and historical values).

In order to translate the sentence from the Criminal Code language, we should concretize: in Belarus the monuments to Dzerzhinsky and Lenin are under the state's security. Labkovich and Shydlousky were charged with writing the "words that offend the citizens' honour and dignity" on the plinths of the monuments and replacing the "state" flags with historical white-red-white ones on the administrative buildings. In the investigative report it was specified, that the defendants acted according to a "deliberate plan", "with particular cynicism" and "together with a group of unascertained persons" on the night of 3 August 1997.

Two moments of the proceeding should be mentioned. Firstly, particular significance was given to the guys' infliction of damage to the state property. Everything concerning politics and social situation was "brushed away" by the judge Uladzimir Laurou. Secondly, many people among those present, including the observers from the International organization "Human Rights Watch", marked the judge's words addressed to Alyaksey Shydlousky at the very beginning, "Thank God, you have been in the investigative ward since August..." As though killing instead of writing on the walls were considered... (By the way, as a journalist only twice I saw so many guards at court; then they were protecting the murderers from the people's anger, but this time they tried to "protect" the defendants from the people's support.)

Blackmailing witness

Vadzim Labkovich has not admitted guilt on any charge; Alyaksey Shydlousky has admitted guilt only partially. He did not deny his showing the hometown of Stoubtsy to his guests at night of 2 August.

The court took testimony of several defence witnesses, including Vadzim's mother Yadzviga Iosifauna and his teacher in the Belarusian language and literature Varvara Karol. Shydlousky's wife Ina Pimenava refused to give evidence as it could have been used against her husband. (During the investigation, Ina told the journalists about the "KGB treatment".) Other characters of that event were under pressure of KGB, too. A bit later, Alina Belskaya, a student of the European Humanitarian University, that was figuring in the case among "the group of unascertained persons", appealed for the political asylum in Finland.

The schoolboy and the student have been kept for six months in the investigative ward only for the investigators to find three witnesses: a teacher from Stoubtsy Syarhey Shendzik, the fireman Viktar Ilyushyn and his cousin Uladzimir Bakinousky (connected with the Stoubtsy branch of the "Young Front"). According to Alyaksey Shydlousky's statement, Ilyushyn has been practically blackmailing him since 3 August, demanding money for "his keeping silence". On the night of 3 August, while driving across the town, the fireman met a group of young men with familiar Alyaksey Shydlousky among them. Based on the evidence of Ilyushyn and his companion Syarhey Shendzik, that night's meeting pictured out utterly uncertain and inconsistent. The court chose rather listening to Ilyushyn, whom "it took a

moment" to recognise Alyaksey's back in the dark of the night. According to the teacher Shendzik, the meeting took place on the other side of the street... The court reposed on the words of one witness, Ilyushyn, and explained it by the fact, that the second witness was invalid because of poor sight and thus could "have mixed something up". The defence attorneys noticed distinct inconsistency in the evidence of Ilyushyn's relative Bakinousky. The latter allegedly told him about Shydlousky, being afraid to ask him to admit his quit from the YF organization. But the attorney Tattsyana Stankevich noted, that despite the persecution of Shydlousky, his junior member has not quitted till today.

There is one more strange thing: while denying his blackmailing of Alyaksey Shydlousky, the fireman Ilyushyn did not explained, why, being shocked by the appearance of slogans and replacement of the flags, he complained to militia (Stoubtsy Region Interior Department) only in three days.

"UNAUTHORIZED" PROTESTS

At the time when the testimony was taken in the court-room, new victims of the proceeding appeared in front of the court building. Young men and several elderly women-sympothizers were not admitted to the court-room (there were not enough seats) and stood freezing at the AMAP-cut entrance. (On the very first day the building was "purged" of sympothizers because of the laud scansion "Long live Belarus!" while the defendants were being moved into the court-room.) Several people began walking back and forth with their hands coupled behind back or on the neck. At first the guards took no heed of them. Then somebody began chuckling. Suddenly an order to stop the "protest" was received... Three 15-year-old boys — Zmitser Kaspyarovich, Danila Milavanau and Maksim Kashynsky — were seized on their way to the cafeteria. After three hours at the Militia Station, they were released on the responsibility of their parents and advocates. Now the Juvenile Commission will deal with them, their parents face fines up to 500,000 roubles for their children taking part in an "unauthorized procession". The next day at about 9.30 a.m. three adults were arrested for the same thing. Vitaly Ale-syajonak, who was persuading militia-men to set the teenagers free the day before, was charged with "resisting the militia officers" (our acquaintance judge Tserashkova awarded him a great fine). Vadzim Kanapatsky from the "Young Front", like Y.Maroz, was incriminated to art.167 of the Administrative Code (resulted in a fine). Ales Sarnatsky, an observer of the Human Rights Centre "Spring-96", was let go.

The same day, Uladzimir Yukho, a member of the BPF Office, was seized and beaten at the building of Minsk Region Court. He interceded for those, whom AMAP were pushing away from the footsteps. The "guards of order" tried to fight back the witnesses of U.Yukho's seizure round the corner, some of the militiamen collared young girls as if they were dolls. On the way to the Militia Station, four "blue coats" hurt Uladzimir Yukho — damaged his arm and tried to strangle (fingerprints remained on his neck). The apprehended was brought to the emergency hospital. When the human rights advocates Nadzeya Dudarava (Belarus Helsinki Committee) and Diderik Lochman ("Human Rights Watch") wanted to take U.Yukho from the hospital after the medical procedures were over, an armed guard threatened them with shooting. Uladzimir Yukho was released only in the evening (at about 17 p.m.). The trial of him was postponed to 4 March.

COURT DENIES PARALLELS AND POLITICS

Since 19 February, the admittance to the court-room was held only on passports (except journalists), no photo- and videocameras were allowed. The court-room could seat no more than 40 people. A special device checked for weapons. Then one had to pass through several chains of AMAP. As the sentencing neared, more and more bans appeared. Finally, even standing in some meters from a militiaman was likened to an "unauthorized rally".

Prosecutor Dzmitry Tsimafeeu devoted nearly half of his oration to the fiction on the Inquisition of the dark ages. Then, without any transition, he switched over to Nazism and accused Vadzim Labkovich of drawing a sign that "reminds a fylfot if hatched". The previous three days this sign was not mentioned and they were talking about the inscriptions that, according to the judge Laurou, offended the only person, who "anyway would never go to Stoubtsy and see them". The prosecutor quashed the charge with the impairment of monuments and desecration of state symbols as unproved and insisted on "malignant disorderly conduct" — so he qualified the writing and charged 2 years in jail for each defendant, with a 2-year respite for Labkovich and in high-security colony for Shydlousky. The defence asked for acquittal and pointed out the inconsistency of evidence and deprivation of attorneys for Labkovich and Shydlousky during the first days of arrest. The case was based on the partial (and inconsistent) confessions of Alyaksey and Vadzim in pre-trial custody. It was known that Shydlousky was beaten in Zhodzina, spent a month at hospital, before that he had to protest and hunger-stroke. (Nadzeya Dudarava thinks, that just that very story about beating and blackmailing was the determinant in sentencing Alyaksey.) The attorney Ivan Dudarau fortified his words of defence with reference to one of the acts of Supreme Court Plenary Session. He said, according to that paper, the guys' actions did not meet the definition "malignant disorderly conduct". Other defenders spoke about the "Young Front" members' case in the connection with the situation in the country and feelings of the public, including the youth. The judge U.Laurou tried to suppress "any politics", but, as N.Dudarava remarked, the case was political whether the court wanted that or not, "If these guys were not on the dock, there would be other."

173 signatures of V.Labkovich's copupils of Minsk School №95 and about 10 thousand citizens' signatures in support of the political prisoners were added to the case. The conference of the Organization of social-democratic youth "Maladaya Gramada" appealed to the court, too. The parties to the proceeding learned the opinion of the European Parliament members on the situation of human rights in Belarus: the appeal to the Government included the demand to release Shydlousky and Labkovich. On the first day of the legal investigation, N.Dudarava called attention to a similar deed of the President's Administrator Ivan Tsitsenkou, when he tore a those days' state flag. The Prosecutor's Office had defined the actions of Tsitsenkou as replacing a "time-worn cloth". Nevertheless, the court refused to add the decision of Prosecutor-General to the case.

A YEAR AND A HALF FOR A DIFFERENT TREND OF THOUGHT

Consequently, Alyaksey Shydlousky and Vadzim Labkovich have been found guilty on the three articles: 186^2, 201 p.2 and 225 of the RB Criminal Code. The Collegue chaired by the judge U.Laurou declared the offence enormous and sentenced both to 1 year 6 months in custody. In Vadzim's case, who is under age, the execution of the sentence is postponed for two years. Alyaksey Shydlousky faces a high-security colony...

The released Vadzim Labkovich was met like a national hero, with flowers and greetings. But therewith the eyes of Alyaksey's mother and women present streamed tears. Even militiamen from AMAP were ashamed by those tears. Despite this, they gradually forced the "spontaneous rally" off the court building to the lawn, then to the crossing of Kirau and Lenin streets. Numerous militiamen with cameras appeared. While some ten journalists were interviewing Vadzim Labkovich and his mother, AMAP seized the Deputy and journalist V.Shchukin...

The regime has not managed to knock the 16-year-old Vadzim down. "Even if my outlook has changed, it is to the worst regarding the authorities", he confesses. This teenager now has constant heartaches. But he is going to take examinations without attending classes and finish school together with his classmates. "It is not fair that Alyaksey remains behind bars", Vadzim thinks.

The attorneys T.Stankevich and I.Dudarau are going to appeal to the Supreme Court against the sentence, and international observers are going to say their word in international organizations. "Human Rights Watch" considers the case of Shydlousky and Labkovich to be "a mere mockery at justice". But the attorneys do not expect the higher instances to change the decision of the inferior.

Thus, by this proceeding, the Belarus authorities have demonstrated their readiness "to fight more severely" against the Belarusian patriotic youth. After all, we cannot but think, what if the authorities start persecuting the different-minded already in kindergartens?

Tattsyana SNITKA

No comments

"...With Particular Impudence and Exceptional Cynicism..."

INDICTMENT

on criminal case 230817 on the charge of Shidlovsky Aleksey Mikhailovich and the non-adult Labkovich Vadim Dmitrievich of committing an offence as per articles 201 p.2, 186-2, 225 p.2 of the Criminal Code of the Republic of Belarus.

This criminal case was opened with the elements essential to the offence on art.201 p.2 of the Criminal Code of the Republic of Belarus by SO Stolbtsy Region Interior Department on 3 August 1997 (Personal file 1).

In the course of the prejudical inquiry it was ascertained, that 3 August 1997 from 00.30 a.m. to 03.00 a.m. the non-adult Labkovich Vadim Dmitrievich in agreement with Shidlovsky Aleksey Mikhailovich and a group of eight unascertained persons, while acting jointly, without any cause, from ruffian motives, with particular impudence and exceptional cynicism, breaking the public peace, showing sheer disrespect and offensive attitude towards the community, aspiring to show mischief, roistering and bragging, tore down the state flag of the Republic of Belarus from the flagstaff on the building of Stolbtsy Region Executive Committee in Stolbtsy, Minsk Oblast; sprayed in red and green the words, offending the honour and dignity of citizens and public morals, on the plinth of Lenin sculpture, on the bust and plinth of Dzerzhinsky monument and on administrative and other buildings, thus did harm to state-guarded public relations, rights and interests of citizens and regular activities of the institutions and organizations. The inscriptions have been written: — on the plinth and memorial plaque of the Dzerzhinsky bust on Mahistralnaya St in Stolbtsy, the property damage to Stolbtsy DRSU amounts to 1,850,240 roubles; — on the frontage of the building of Stolbtsy Region Executive Committee on Leninskaya St in Stolbtsy, the damage to Stolbtsy Region Executive Committee amounts to 500,000 roubles; — on the frontage of the building of Stolbtsy Region Centre for Hygiene and Epidemiology on Sotsialisticheskaya St in Stolbtsy, the property damage to Stolbtsy Region Centre for Hygiene and Epidemiology amounts to 150,000 roubles; — on the frontage of the building of Stolbtsy Region Communication Office on Sotsialisticheskaya St in Stolbtsy, the property damage to Stolbtsy Region Communication Office amounts to 25,000 roubles; — on the frontage of the bookstore on Sotsialisticheskaya St in Stolbtsy, the property damage to the Trade Co-operative of Stolbtsy Region Consumers' Department amounts to 403,200 roubles; — on the frontages of the hairdresser's on Mahistralnaya St in Stolbtsy and the shoe-shop on Sotsialisticheskaya St in Stolbtsy, the property damage to Stolbtsy Services Centre amounts to 1,600,000 roubles; — on the frontage of store №77 of Baranovichi ORS NOD-2 of the Belarus Railway on Sotsialisticheskaya St in Stolbtsy, the property damage to Baranovichi Purchase Department of the Belarus Railway amounts to 1,157,000 roubles; — on the frontages of household buildings of the stadium "Yunost" on Leninskaya St in Stolbtsy, the property damage to Stolbtsy Region Board of Education amounts to 60,000 roubles; — on the frontage of apartment house №48 on Leninskaya St in Stolbtsy, on the frontage of the w.c. of Stolbtsy Region Recreation Centre, on the arch on Lenin Square in Stolbtsy, on the plinth of the Lenin sculpture on Lenin Square in Stolbtsy, the property damage to Stolbtsy RPO ZhKH amounts to 50,712 roubles; — on the frontage of Stolbtsy Region Library on M.Gorky St in Stolbtsy, the property damage to Stolbtsy Region Board of Education amounts to 200,000 roubles.



During their ruffianly actions, they tore down with particular impudence the state flag of the Republic of Belarus at 300,000 roubles from the flagstaff on the building of Stolbtsy Region Executive Committee, 45 Leninskaya St; while tearing they, acting from ruffian motives, damaged the flagstaff, the mending of which cost 300,000 roubles; from ruffian motives they made two explosive-like objects from cans, attached one of them to the damaged flagstaff on the building of Stolbtsy Region Executive Committee, the state flag of the Republic of Belarus being replaced with a white-red-white flag, and fixed the other explosive-like thing near the displayed white-red-white flag on the lighting tower of the stadium "Yunost"; thus tried to frustrate regular activities of institutions and organizations, from ruffian motives, with particular impudence and exceptional cynicism did material harm to state-guarded public relations, rights and interests of citizens and regular activities of the institutions and organizations and caused property damage, sum total of 5,831,152 roubles.

From 01.00 a.m. to 02.00 a.m. on 3 August 1997, while acting without cause and from ruffian motives, they outraged the state flag of the Republic of Belarus, fixed on the flagstaff on the building of Stolbtsy Region Executive Committee in Stolbtsy, Minsk Oblast. Namely, while acting with particular impudence and exceptional cynicism, breaking the public peace and showing disrespect for the community, without cause, aspiring to show mischief, roistering and bragging, doing material harm to state-guarded public rights and interests, they got on the roof of Stolbtsy Region Executive Committee, tore down deliberately the state flag of the Republic of Belarus from the flagstaff, hanged out instead of it a white-red-white flag and fixed an explosive-like object.

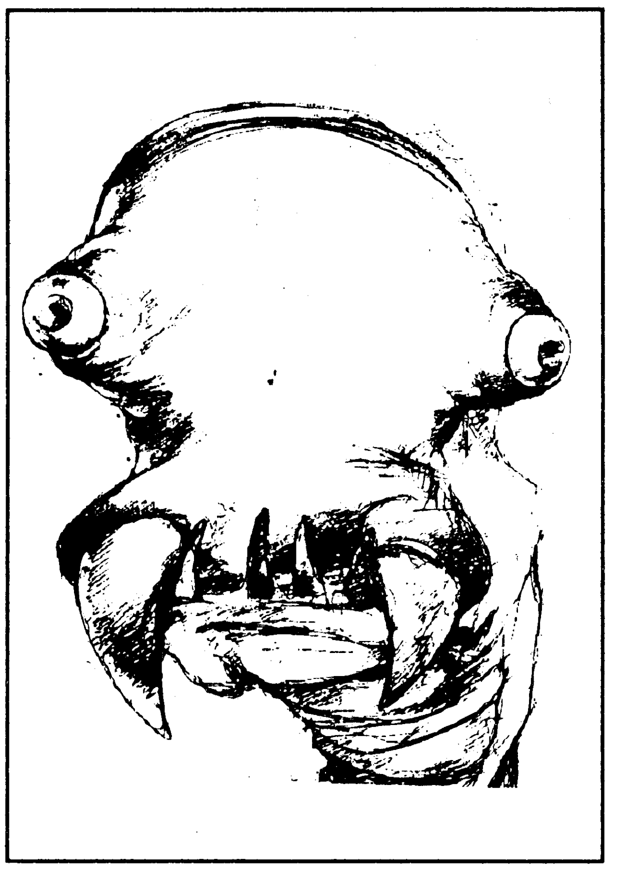
From 00.30 a.m. to 03.00 a.m. on 3 August 1997, while acting without cause, from ruffian motives, with particular impudence and exceptional cynicism, breaking the public peace and showing disrespect and offensive attitude towards the community, they damaged deliberately historical and cultural memorials, the latter being guarded on the special resolution of Minsk Oblast Executive Committee of 26 February 1988, and sprayed in red and green the words, offending the honour and dignity of citizens, on the plinth and memorial plaque of the Dzerzhinsky bust on Mahistralnaya St in Stolbtsy and on the plinth of the Lenin sculpture on Lenin Square in Stolbtsy, Minsk Oblast. (Personal file 2-287).

On the preliminary hearing, the actions of Labkovich Vadim Dmitrievich and Shidlovsky Aleksey Mikhailovich were qualified according to articles 201 p.2, 186-2, 225 p.2 of the Criminal Code of the Republic of Belarus as malignant disorderly conduct, characterized by exceptional cynicism and particular impudence, desecration of the state flag of the Republic of Belarus by tearing it down from ruffian motives and deliberate damage of state-guarded historical and cultural values.

Having been questioned as an accused on articles 201 p.1, 186-2, 225

p.2 of the Criminal Code of the Republic of Belarus, Shidlovsky Aleksey Mikhailovich admitted guilt of the charged crime only partially, as he did not take direct part in writing on the walls of the building, tearing down the state flag of the Republic of Belarus and damaging historical and cultural memorials, but was walking through the town with Labkovich V.D. and the unascertained and unfamiliar to him persons and did not perform any aggressive actions, unlike the others, who acted unlawfully. Besides, Shidlovsky testified, that he learned from his wife Pimenova I.L. about the group of young men coming from Minsk, but was not informed on the purpose of their arrival. Together with his wife, he came to the meeting to the Dzerzhinsky monument on Mahistralnaya St in Stolbtsy, a group of unknown young men and familiar to him Labkovich Vadim were waiting for them. The Dzerzhinsky bust had been painted with dye-stuff before he came. Some of the young men had air-brushes. Shydlousky with his wife, Labkovich, a girl, named Alina, and a young man, named Pavel, went along the town streets. Labkovich and the young man, named Pavel, drew inscriptions on the walls of the buildings. They climbed up the building of Stolbtsy Region Executive Committee, but Shidlovsky did not see what they were doing there. He did not see any objects imitating explosives. Labkovich and the young man, named Pavel, came up to the Lenin monument on Lenin Square, but he did not notice whether they painted the monument as he was far away. When Labkovich came down from the building of Executive Committee, Shidlovsky noticed a folded state flag of the Republic of Belarus in his hands. The young man, named Pavel, was wearing a purse with air-brushes and, according to his wife, explosive-like objects. Being asked by Labkovich, Shidlovsky told him, to which institution or organization this or that building in Stolbtsy belonged. At the time Labkovich and the young man, named Pavel, were writing on the building of the Region Library, his acquaintance Ilyushin V.V. drove up in the car and demanded giving him the air-brush, and they obeyed. In his presence, Labkovich and the young man, named Pavel, drew inscriptions on the buildings of the library, the stadium "Yunost", the store, the sanitary station and on the Lenin sculpture. (P.f. 100-101, 214-216, 307-309).

Having been questioned as an accused on articles 201 p.1, 186-2, 225 p.2 of the Criminal Code of the Republic of Belarus, the non-adult Labkovich Vadim Dmitrievich did not admit guilt of the charged crime as he did not consider the inscriptions on the walls to be offensive for the community or for any definite social strata. The inscriptions, drawn by him on the plinth of the monument, could not have damaged it or the Lenin sculpture. He did not tire but took down carefully the flag from the flagstaff on the building of Stolbtsy Region Executive Committee, then, having folded it, brought it to Minsk and gave to a visually familiar young man. Thus he regarded his actions be far from desecration of the state flag of the Republic of Belarus. He could not explain the reasons for fixing the objects imitating explosives. During the examinations, Labkovich V.D. as a defendant did not deny his taking part in drawing the inscriptions on the buildings in Stolbtsy and on the Lenin monument, admitted his together with the young man, named Pavel, unhanging of the state flag from the building of the Region Executive Committee, but did not consider his actions criminal. (P.f. 145-146, 240-241, 307-309).



The witness Pimenova Inna Leonidovna testified, that Labkovich Vadim came with a group of young men from Minsk to Stolbtsy to carry out the action "The town is our", it means to draw slogans on the buildings and monuments in Stolbtsy. She saw that Vadim and the young men had the "bombs" they were going to fix to the hanged-out flags so that nobody tried to take them down. She herself saw Labkovich and the young man, named Pavel, going up to numerous buildings in Stolbtsy and drawing the inscriptions on the walls, as well as on the Lenin monument. At the building of Stolbtsy Region Executive Committee, Vadim Labkovich and Pavel climbed up the fire-escape ladder onto the roof to take down the state flag from the flagstaff on the building roof, as she got from their talk (P.f. 70-72, 189-190).

The witness Ilyushin Valery Valentinovich testified, that on the night from 2 to 3 August he was driving his personal car by Stolbtsy Region Library and, after he headlit the frontage of the building, he saw Shidlovsky A.M. drawing an inscription on the frontage of the library building with an air-brush. When Shidlovsky noticed the car, he and unascertained persons tried to run away, but, being called to, stopped. In order to prevent unlawful actions of Shidlovsky and his friends, the witness took the air-brushes from them and passed them later to militiamen (P.f. 73-74, 244-245).

Ilyushin V.V. fully affirmed his evidence during the confrontation with the defendant Shidlovsky A.M. and testified that it was Shidlovsky A.M. who drew the inscription on the Region Library building (P.f. 246-247).

Having been questioned as a witness, Shendik Serhey Nikolaevich testified, that on the night from 2 to 3 August he and Ilyushin V.V. were driving his personal car by Stolbtsy Region Library and highlighted young men and a girl, who were going away from the library. Ilyushin explained that the young men had been writing on the library building, the witness looked at the building and saw an inscription on the frontage. Ilyushin V.V. stopped the car, called one of the young men, and, after they stopped, went up to them, took an object, talked to them a bit and returned into the car. Sitting in the car, he explained that he knew very well one of the young men who were writing on the library building, but did not name him (P.f. 75-76).

The witness Bakinovsky Vladimir Petrovich testified, that 3 August 1997 at about 11 a.m. Ilyushin came down to his place and told him, that at night he saw Shidlovsky A.M. with his wife and several young men drawing inscriptions with air-brushes on the building of Stolbtsy Region Library and that he took the air-brushes from them (P.f. 210-211).

The fact of writing on the walls of buildings and on the monuments in Stolbtsy, tearing down the state flag of the Republic of Belarus from the flagstaff on the building of Stolbtsy Region Executive Committee and fixing the objects imitating explosives is fortified by the field record. (P.f. 3-14).

At the places of studies and residence, the defendants Shidlovsky A.M. and Labkovich V.D. are characterized as positive people, without previous convictions. (P.f. 289-296, 300-306).

On the ground of the set before
ARE CHARGED:

Shidlovsky Aleksey Mikhailovich...

...By his actions, Shidlovsky Aleksey Mikhailovich has committed a crime as per art.201 p.2 of the Criminal Code of the Republic of Belarus, viz. malignant disorderly conduct, characterized by exceptional cynicism and particular impudence...

...By his actions, Shidlovsky Aleksey Michailovich has committed a crime as per art.186-2 of the Criminal Code of the Republic of Belarus, viz. desecration of the state flag of the Republic of Belarus by its tearing down from ruffian motives...

...By his actions, Shidlovsky Aleksey Michailovich has committed a crime as per art.225 p.2 of the Criminal Code of the Republic of Belarus, viz. deliberate damage of the state-guarded historical and cultural values...

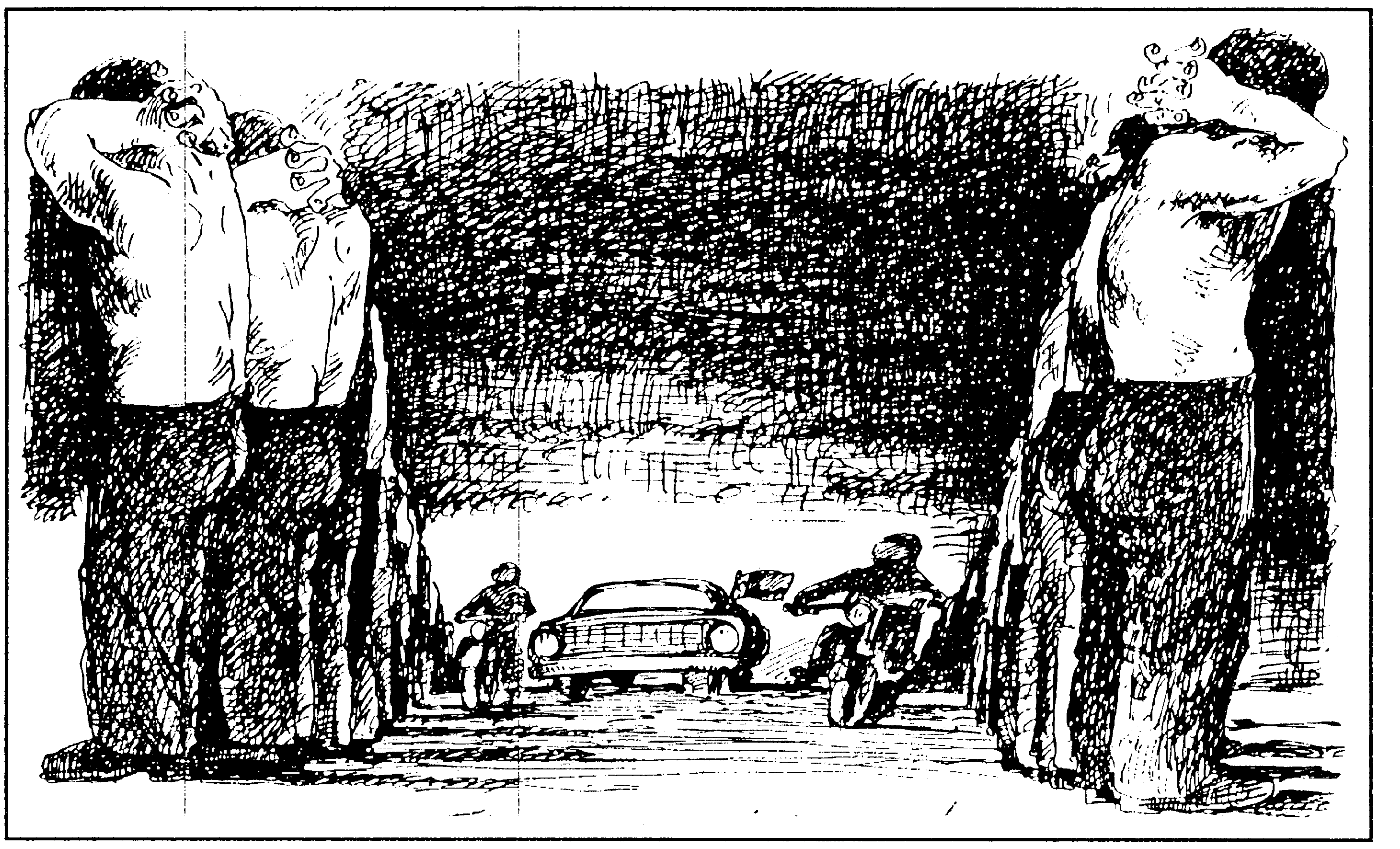
The non-adult Labkovich Vadim Dmitrievich...

...By his actions, the non-adult Labkovich Vadim Dmitrievich has committed a crime as per art.201 p.2 of the Criminal Code of the Republic of Belarus, viz. malignant disorderly conduct, characterized by exceptional cynicism and particular impudence...

...By his actions, the non-adult Labkovich Vadim Dmitrievich has committed a crime as per art.186-2 of the Criminal Code of the Republic of Belarus, viz. desecration of the state flag of the Republic of Belarus by its tearing down from ruffian motives...

Politics Facts Comments

(continued from page 1)



On 13 February, three young citizens were seized by militia while pasting up the flysheets with the call to take part in the youth procession in Minsk, a record was drawn up.

In February, the Vitsebsk City Rada of the Belarusian Popular Front made a statement on limited use of the Belarusian language by state bodies and national discrimination of the Belarusians. It is stated that "last years the sphere of application of the national language of the Belarusians in education, culture and mass media has been narrowed to a great degree. The Belarusian language is being hardly spoken in institutions, organizations and concerns of industry, transport, trade and service. Thus the rights of the Belarusian-speaking citizens are being limited".

On 18 February, the trial of Vadzim Labkovich and Alyaksey Shydlousky began in Minsk Region Court, with Uladzimir Laurou as the judge.

On 18 February, Yuri Maroz, a resident of Vitsebsk and a member of the Vitsebsk Region BPF Rada "Adradzhenne" was seized at the beginning of the proceeding at the court building by AMAP, a placard with the demands to release the prisoners of conscience A.Shydlousky and V.Labkovich in his hands. A record on an unauthorized picket was drawn up, Y.Maroz was brought to Minsk Leninsky District Court and sentenced to 15 days in custody despite his disability (Y.Maroz has heart defect). In the receiving prison, Y.Maroz hunger-stroke and quitted only after the urgent request from the side of BPF administration.

On 18 February, a temporal Committee in defence of Supreme Soviet Deputy A.Klimau was formed, in which representatives of organizations on human rights such as Helsinki Committee, Human Rights Centre "Viasna-96", as well as representatives of the United Civil Party, Independent Trade Union, Independent Mass Media Foundation, Youth Front entered. In the Committee's statement about A.Klimau, who had held a hunger-strike for five days, the following was said, 'The Committee comes out as a matter of principle against the violations of human rights in Belarus. The general public is certain that the citizen, businessman and Deputy of the Parliament Klimau kept in the receiving prison on Valadarka at present is a political prisoner — or a prisoner of conscience.'

In February, the United Civil Party organized a chain of pickets to defend A.Klimau, the Deputy of the Supreme Soviet.

In February, V.Zueu, one of the heads of the state pro-presidential youth organization Belarusian Patriotic Students' Union, appeared in press with a penitence letter, where he affirmed his assistance in creating of the compromising matters against Belarusian Popular Front. The fabricated flysheet on behalf of BPF, where they called on the public to arm and assault the President's Palace, had been "composed by the presidential administration and sent to mass media".

On 20 February, the BPF member Mikalay Zanka was seized in Hanzevichy by the militiaman A.Savich while pasting up the flysheets with a letter of Andrey Klimau, a Deputy of the 13th Parliament, to the President's vertical, where A.Klimau called on the employees to go in their doings by the 1994 Constitution. On article 166 of the Administrative Code of RB, the judge Myashkevich I.I. fined M.Zanka 1,5 million roubles.

On 23 February, the under age members of "Youth Front" Danila Milavanau, Maksim Kashynsky and Zmitser Kaspyarovich were seized by AMAP on the stairs of the court building, where the proceeding on the "Young Front" members A.Shydlousky and V.Labkovich took place. Meanwhile, the arms of D.Milavanau were screwed behind his back and the youngster was hit in his head. The teenagers, threatened with beating, were brought to a Militia Station and charged with breaking art.162 of the RB Administrative Code — viz. an unauthorized picket.

On 23 February, Apanasevich Halina Basilieuna, a veteran of II World War, was fined twice, 220,000 and 200,000 roubles respectively, on art.148 of the RB Administrative Code for the distribution of democratic press, by the judge Barysionak A.V., Minsk Central District Court.

On 24 February, several citizens, the BPF member Uladzimir Yukho among them, were seized without ground on the stairs of Minsk Region Court. While seizure, militiamen squeezed in the door and hurt U.Yukho's hand, one of the militiamen tried to stifle him in the car so badly, that from the Militia Station U.Yukho was taken by ambulance. After the medical operation was finished and the sutures were placed, U.Yukho was brought again to the Militia Station, where a record was drawn up, afterwards U.Yukho was brought to court... But the trial was adjourned till 4 March. U.Yukho made a complaint to the Prosecutor's Office.

Together with U.Yukho, Ales Sarnatsky, a member of the Human Rights Centre "Viasna-96", and Vitaly Alisyaionak, a member of Helsinki Committee, were arrested. A.Sarnatsky was let go, and the trial of V.Alisyaionak was set on 25 February.

One person more among the arrested at that moment, Vadzim Kanapazky, a student and a "Youth Front" member, after the record was drawn up, was sentenced by the judge Tserashkova directly at the Militia Station to a 5 million roubles' fine (corresponds to $115), to compare, V.Kanapatsky's scholarship amounts to 250,000 roubles (corresponds to $5.7).

On 24 February, while forcing people out from the court building, AMAP seized V.Shchukin, a journalist for the newspaper "Narodnaya Volya". He was taken to a Militia Station. The trial of V.Shchukin was delayed on 27 February.

On 24 February, a sentence was passed to two young prisoners of conscience.

The 19-year-old A.Shydlousky was sentenced to 1.5 years in a high-security colony, V.Labkovich — to 1.5 years in colony with a 2-year respite.

On 25 February, the trial of Vitaly Alisyaionak, a Helsinki Committee observer, took place. He was fined 1.5 million roubles.

The materials of this page are prepared by the Press Service of the Human Rights Centre "Viasna-96"

Teenagers Are Prosecuted in Belarus

On 26 February 1998 Press Secretary of the U.S. Department of State James Rubin made the following statement on the conviction of two Belarusian teenagers to jail terms by Belarusian Court:

The USA are concerned about the continuing violations of human rights by the Belarus authorities. This week two teenagers were sentenced to two years in custody for drawing anti-presidential inscriptions on the building of a state institution. Despite numerous requests of a pre-trial release, they had been kept for more than six months in an adult prison on the charge of vandalism. On 24 February Minsk Court sentenced the 19-year-old to additional eighteen months in a high-security colony and the 16-year-old to the same term with a respite.

The baseless and antihuman pre-trial detention, criminal colouring of a minor civil wrong and the punishment inadequate to the committed remind the worst abusive acts of the Soviet Union. It is impermissible to treat children like ordinary criminals, and there are no reasons to consider these two teenagers dangerous. We call on the Belarus authorities to release the imprisoned teenager and recall this grievous judgement.

This case has demonstrated once again the disregard of the human rights principles in Belarus, the observance of which is expected from the OSCE parties. It also demonstrates the importance of the tasks of the Advisory and supervisory OSCE group, whose official start is scheduled on the end of this week.

We expect the Government of Belarus collaborate with the group for solving the problems, connected with the observance of human rights and preventing Belarus from becoming an honourable member of the community of democratic states.

"Mockery at Justice..."

The bulletin "The Right of Freedom" has received a press release of the powerful international organization for the protection of human rights "Human Rights Watch", whose representative was present at the trial over Vadzim Labkovich and Alyaksey Shydlousky. We bring to your attention several quotations of appraisal of the proceeding, made by the "Human Rights Watch" observer.

"Human Rights Watch", an organization with the Headquarters in the USA, has estimated the legal proceedings as a show trial and mockery at justice. During the four-days' lawsuit, Labkovich and Shydlousky, who had been detained for a period approaching six months in pre-trial custody, were held in an iron-box surrounded by eight armed militiamen with a war-dog...

"...These legal proceedings are an absurd parody at criminal justice and a grotesque show trial in order to intimidate the young men opposing the current regime in Belarus", stated Holly Cartner, Executive Director of the "Human Rights Watch" Department for Europe and Central Asia. "In most countries with features of a constitutional state, the imputations of such crimes, committed by young men without previous convictions, carry a warning or a fine as the maximum", Mrs.Cartner continued.

...Since President Lukashenka won office in July 1994, he has eliminated almost all the positive changes in the field of human rights and freedoms and democratization, characteristic to Perestroika and post-Soviet period. "Belarus reminds more and more the worst aspects of the Soviet Union with all signs of the repression in the Soviet manner," Mrs.Cartner commented. "This proceeding is one of the most perverted manifestations of this trend"...

European Parliament

Resolution on arbitrary arrests in Belarus

The European Parliament,

- having regard to its previous resolutions on the situation in Belarus,
- having regard to the Council declaration of 15 September 1997,
- having regard to the working document drawn up by the Committee on Foreign Affairs of the European Parliament on the status of relations between the EU and the Republic of Belarus dated 14 October 1997,

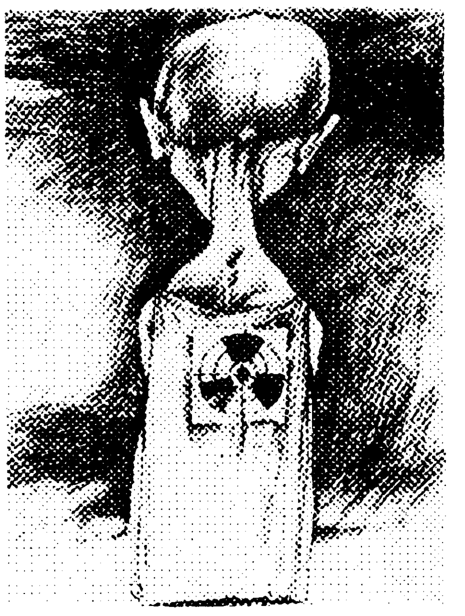
A. concerned at frequent reports of human rights violations, the criminalization of non-governmental organizations and intimidation against journalists, actors in civil society and political opponents which demonstrate that President Lukashenka is unwilling to restore democratic standards, thus widening the gap between Belarus and democratic world,
B. concerned at the fate of one schoolboy and two students, arrested in August and October 1997 for writing anti-presidential slogans and displaying the officially banned national flag, who are still being held in pre-trial custody in breach of all international standards, without their being able to continue their studies,
C. concerned at the severe beating of Yuri Khashchevatsky, an internationally renowned film director, member of the Belarus Helsinki Committee and of the 'Charter 97' Movement, which occurred the night after the broadcasting by a German TV station of the documentary film 'An Ordinary President', which criticized President Lukashenka's style of government,
D. noting the frequent reports about increasing intimidatory measures taken by the Belarus authorities against journalists, such as threats of physical violence, expulsions from work places and universities,
E. whereas thousands of young and well-educated people are fleeing the country because of a lack of prospects, while other sectors of the democratic opposition in Belarus have launched the 'Charter 97' Movement in order to find a peaceful way back to democracy,

A. Calls on the Belarus authorities to restore international standards in the fields of human rights, freedom of the press and of speech, as provided by the International Covenant on Civil and Political Rights as well as the Paris Charter for a new Europe, to which Belarus is signatory, and which is also the basis for the PCA between Belarus and the EU;
B. Calls on the Belarus authorities to release the arrested schoolboy and students who have been detained for a period approaching six months in pre-trial custody;
C. Calls on President Lukashenka to order an immediate end to all measures of intimidation against journalists, members of the opposition and other actors in civil society;
D. Calls on President Lukashenka to order an inquiry into the attack on Yuri Khashchevatsky;
E. Stresses again that no further cooperation between the European Union and Belarus may be undertaken until clear steps towards respect for human rights and democratic and legal reforms are taken by the Belarus Government;
F. Reiterates its support for the Council declaration of 15 September 1997;
G. Emphasizes the need to continue financial support for further assistance programmes for the enhancement of civil society in Belarus and to assess the possibilities for training opportunities for Belarus students abroad, in order to acquaint them with democratic values;
H. Instructs its President to forward this resolution to the Commission, the Council, the President and Government of Belarus and the democratically elected Parliament of Belarus.

Death Zone Rehabilitated

The other day it was reported from Prague, that some Belarus citizens have appealed again the Czech authorities for the political asylum. The poetess Nina Aksionchyk and her family decided never to come back to their home Mozyr. I think that everyone, who wants to pronounce his rigid ethical verdict on this anti-patriotic deed, may move to the radiation-contaminated Gomel Region and tell his wrathful philippics from there — from the land, where people cannot live and children have no future. Moreover, we know that the young woman and her family were exposed to mockery and discrimination by the authorities for active participation in the democratic movement.

After the Lukashenka's noisy visits to the Chernobyl Regions of Belarus, the official "science" proposed to the society a new concept with a mystic Latin name 'Radiation Rehabilitation'. Perhaps, they should have represented it in a more classical form. For instance, 'Memento mori' or 'Vita brevis'. Nevertheless, it would not change the content of proposition, which the President, staying under the Lenin monument, explained so intelligibly, in easy and honest words on the rallies: the catastrophe has retreated to the non-existence, it is high time to go back to the left villages, to live, plough, sow and overjoy fellow citizens with milk, grain and other agricultural products. We have decided to treat the radiation like victims of the communist-party cleanings in 1937 — that is to rehabilitate. But there is a problem: they do not know the mea-ning of this word. They tell it in clear on the Belarusian radio for foreign listeners, "We have no idea". Banana broadcasters should study the classical ABC of the potato authoritarism and outfight natural calamities. The Persian tsar Xerx set a good example of catting the seawaters for destroying the bridge built for his army.



Against the anecdotic nature of this "national initiative", a dread silhouette of a state crime stands out. By lies and forces, the control divests several millions of people of their right to lead a healthy life. The program failed, people outsettled, the sufferers deprived of the facilities and subsidies, the people, speaking the truth about the disaster and its sequences, persecuted. And now this direct call to go back to the Death Zone. In the near future, the Chernobyl Tribunal will find the organizer of the radiation genocide of our people, the person who is interested in this antihuman experiment on Belarusian children.

The national framework of the Chernobyl ground has broadened, though. Thousands of refugees from Tajikistan, Armenia, Abhasia live and work hard in the left villages, in the houses, where dosimeters do not work. The immigrants acquire the right of residence in breach of the Nationality Law of the Republic of Belarus, and nobody puts them wise about the danger impending over them. The authorities are satisfied, as there are people to pursue economic schemes. In spite of the highest death-rate in Europe, the number of "rehabilitation" hostages is increasing. Times ago the Old Belarus was a welcome shelter in the centre of Europe. People from east and west ran here from persecution to seek tolerance and guarantees of freedom: Jews from Europe; prince Andrey Kubsky, the opponent of tsar Ivan the Terrible, in the 16th century; Russian old-believers in the 17th century; Jesuits in the 18th century. Nowadays the open Russia's boarder has turned Belarus into a transit passage-way for Kurds and Pakistanis, who break through to the West. Chernobyl folds in its arms the victims of post-Soviet conflicts. Meanwhile, penmen, scientists, entrepreneurs, active youth flee Belarus. The control needs only obedient slaves.

Valery BUIVAL

The Heroes of Our Time...

(continued from page 1)

Thus, the billions of roubles, put into the BPSU, did not turn to account. The opposition rallies still gathered thousands of young citizens. Against this background, the attempts of the president's upholders to hold their "arrangements" seemed ridiculous: their only visitors were pensioners.

A new lap of the "struggle for the youth" followed. It could be called with one word: intimidation. Mass arrests of young people on the opposition rallies and processions, both unauthorized and authorized, began. Hundreds of college and school students, young industrial and office workers passed through militia stations, courts and investigative wards. Fines and sentences of three to fifteen days in custody, walking-tickets and expulsion from universities for breaking the special President's decree №5 (which was found anti-constitutional by the independent experts) became today's reality, a habitual thing...

The destruction of the Belarus nationhood, the prohibition of the Belarusian historical symbols (officially recognized not so long ago and still remaining the symbols of the opposition rallies), as well as the efforts to strangle the independent press, met an adequate reaction among the youth: young people began replacing the "official" red-and-green flags with the white-red-white ones and writing anti-presidential slogans on the walls. The youth held actions under the codename "The town is our", within the night replacing the "official" symbols with our national and displaying white-red-white flags in the most prominent places. Such actions have been held in several towns of Belarus, including the capital city. Vadzim Labkovich and Alyaksey Shydlousky have been arrested precisely for organizing such an action in the town of Stoubtsy.

Today everyone, who is informed on what is going on in Belarus and is able to draw historical parallels, will agree that today's Belarus authorities behave in their homeland as if they were invaders or occupants. It is not without reason that the youth has crossed swords with them. The means to fight have not changed for ages, and they remain the same as in France, Germany, Poland or the Czech Republic. In the course of time the people will call the fighters against the occupants its national heroes. Our guys are classical characters in this sense (let us not hesitate speaking about it). They have survived with courage in the half-year preliminary detention with numerous examinations, intimidation, physical tormenting and beating... By the way, besides V.Labkovich and A.Shydlousky, eight more people took part in the action, but they remained "unknown". The guys have not named them, have not betrayed their friends. That is also called courage...

It is clear, the authorities just had to make this proceeding a show trial in order to face down other real patriots of Belarus, fighters against dictatorship for the democracy in their Motherland. But nobody expected the sentence to be so tough and merciless. A year and a half in a high-security prison for the "graffiti"? It would be excessive even if the walls of our houses were always sterile. The teenagers' "graffiti", equated with a crime, returns us to the Soviet times, when the struggle with otherwise-thinking was based exactly on these means...

The President of Belarus said once, "I will not lead my people after the civilized world..." The youth answered with its call, "Belarus to Europass, Lukashenka to..." and started the struggle for its future.

Andrey NALIVA

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